

IN THE LANCASTER MUNICIPAL COURT, LANCASTER, OHIO

GORSUCH MANAGEMENT,

:

PLAINTIFF,

:

v.

:

CASE NO. 94-CVG-511

GARY COLE,

:

DEFENDANT.

:

MUNICIPAL COURT

FILED

SEP 22 1994

FILED

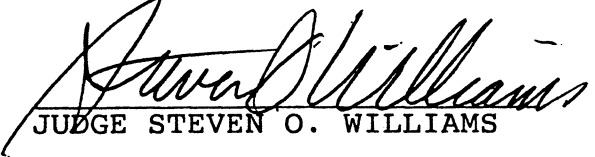
City of Lancaster, Ohio

ENTRY

This matter came before the Court upon the complaint of the Plaintiff and the answer of the Defendant, as well as the motions for summary judgment filed on behalf of both parties, along with a set of stipulations agreed to by both parties. Upon consideration of the same, this Court OVERRULES the motion for summary judgment of the Plaintiff and SUSTAINS the motion for summary judgment of the Defendant. Therefore, summary judgment is hereby granted to the Defendant and Plaintiff's complaint is dismissed with court costs assessed to the Plaintiff.

The basis for this ruling is that the Plaintiff relies on Ohio Revised Code Section 1923.02A(6) for this eviction action. This section requires that the drug offense, which was involved in this case, "occurred in, is occurring in, or otherwise was or is connected with the premises." Yet the parties stipulated that there was no search warrant issued to search for drugs at the Defendant's apartment and there were no drugs found at Defendant's apartment. The search warrant was issued for and drugs were found

at another apartment in the same building. The facts in this case do not and cannot fulfill the requirements of Section 1923.02A(6) of the Ohio Revised Code and therefore this Court must rule in favor of the Defendant's motion for summary judgment.


JUDGE STEVEN O. WILLIAMS

Copies to:

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